

### **REMARKS/ARGUMENTS**

These remarks are submitted in response to the Office Action dated November 14, 2008 (hereinafter Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. However, the Office is expressly authorized to charge any deficiencies or credit any overpayments to Deposit Account 50-0951.

### **Claims Rejections – 35 USC § 103**

Claims 1-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,732,176 to Stewart, *et al.* (hereinafter Stewart '176), in view of U.S. Patent Application Publication No. 2003/0096633 to Goldberg (hereinafter Goldberg), and further in view of U.S. Published Patent Application 2002/0133616 to Yoza, *et al.* (hereinafter Yoza). Claims 1, 5, 9, and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,571,221 to Stewart (hereinafter Stewart '221), in view of Goldberg, and further in view of Yoza.

Applicants respectfully disagree with the rejections and thus have not amended the claims.

### **Aspects of Applicants' Invention**

It may be helpful to reiterate certain aspects of Applicants' invention prior to addressing the cited references. One embodiment of the invention, as typified by Claim 1, is a method for delivering an Application Service Provider (ASP) service to a wireless device in a personal area network (PAN).

The method can include providing an ASP delivery system connected to a computer communications network over a physical communications link and connected to the PAN via a short-range radio frequency communications link. The system is configured to deliver components of ASP services over the short-range radio communications link to the wireless device in the PAN. The ASP delivery system is also configured to store some components of ASP services locally and to retrieve at least a portion of the components of the ASP services from ASPs in the computer communications network over the physical communications link when necessary. The components of the ASP services comprise a plurality of different software programs from among which a user of the wireless device selects and interacts with via the short-range radio communications link.

The method also can include detecting a presence of the wireless device in the PAN by the ASP delivery system; establishing a short-range radio communications link with the wireless device in the PAN and verifying subscription of or offering subscription to the wireless device; transmitting to the wireless device over the established short-range radio communications link a list of ASP services available in the ASP delivery system or retrievable from ASPs in the computer communications network; receiving from the wireless device requests for at least one of the ASP services selected from the list of ASP services; for each component of the selected ASP services, determining if the ASP delivery system can immediately deliver the component without requiring retrieval of the component from ASPs and immediately delivering the component to the wireless device if retrieval of the component is not required; and, if the ASP delivery system cannot deliver the component without requiring retrieval of the component from ASPs,

retrieving the component for the at least one ASP service from one of the ASPs over the physical communications link.

See, e.g., Specification, page 13, line 22 to page 15, line 2.

**The Claims Define Over The Prior Art**

In recent times, the Internet has experienced phenomenal growth with more and more people accessing data and applications on the Internet through personal computers, and more recently, network computers. Historically, computing applications have been distributed as shrink-wrapped client applications. More recently, however, businesses have invested in Internet-distributed, Web-based applications, for instance Web-based customer relationship management (CRM) applications. An application service provider (ASP) is an entity that offers individuals and companies access to applications and related services over the Internet that would otherwise have to be located in their own personal or enterprise computers. Sometimes referred to as "apps-on-tap," ASP services are an important alternative to traditionally distributed software, not only for smaller companies with low budgets for information technology, but also for larger companies as a form of outsourcing. See Specification, paragraph [0004].

While ASP providers can provide applications and services to enterprises and individuals on a pay-per-use or subscription basis, larger entities can provide their own internal ASP service resulting in the movement of applications off personal computers and onto an application server designed to communicate with thin-client workstations. By employing an ASP architecture, enterprises can reassert central control over application cost and usage similar to the central control experience by enterprises prior to

the advent of the personal computer during the era of the mainframe computer. see Specification, paragraph [0005].

To date, the ASP architecture has not been employed as widely in the wireless arena as it has in the wire-line arena. Specifically, whereas client access to distributable applications is growing among traditional wire-line networked clients, client access has been limited for wireless devices, such as handheld computers. Recently, pervasive computing has suggested the distribution of data to wireless devices using conventional infrared communications technology. In terms of wire-bound, cable replacement, the infrared standard promulgated by the Infrared Data Association (IRDA) is well known and widespread. Though the IRDA promulgated standard is a fast wireless technology, the IRDA promulgated standard is limited to point-to-point connections and above all, infrared communications require a clear line-of-sight between an infrared receiver and an infrared transmitter. Additionally, infrared communication technologies have experienced problems with incompatible standard implementations. See Specification, paragraph [0006].

Recently, wireless phone service providers also have begun to provide wireless access to Internet distributed data through cellular communications links. Still, long-range radio communication technologies like cellular communications links can be expensive and power-consuming. Moreover, cellular transmitters and receivers require device housing space which can dramatically add to the overall size of a wireless device. Finally, long-range radio communications links can be limited in bandwidth. Hence, cellular technologies are not suitable for the distribution of applications from an ASP to pervasive computing devices such as handheld computers. See Specification, paragraph [0007].

A new type of wireless connection has been introduced into the wireless market. Emerging standards for personal area networks (PANs), for instance the IEEE 802.11a, IEEE 802.11b and the BLUETOOTH (TM) standard, enjoy a communications profile which is substantially different than the communications profile associated with cellular networks and infrared technologies. In particular, unlike cellular networks, PANs operate over a very limited local range. As an example, both BLUETOOTH and IEEE 802.11b operate in "piconets" having a normal range of ten (10) meters and a maximum range of approximately one-hundred (100) meters. IEEE 802.11a has a substantially greater range which exceeds 100 meters. Accordingly, short-range radio communication links lack the deficiencies of both infrared and cellular technologies which have limited the distribution of electronic services such as applications and data over wireless communications links. See Specification, paragraph [0008].

The present invention provides a system and method for providing electronic services such as applications and data to wireless devices in a personal area network (PAN). In particular, an ASP delivery method in accordance with the inventive arrangements can provide a short-range radio frequency communications system communicatively linked to a host computing device which is further communicatively linked to an external computer communications network. Using the method of the invention, requested ASP services can be provided by the host computing device to end-users over short-range radio communications links to wireless devices in a personal area network (PAN). Furthermore, where requested ASP services are not readily available in the host computing device, requested ASP services can be retrieved from other ASPs in the external computer communications network and forwarded to requesting wireless devices in the PAN. See Specification, paragraph [0009].

In operation, a short-range radio communications link can be established with a wireless device in the PAN. Once the link has been established, requests for selected ASP services can be received from the wireless device. For each received request, it can be determined whether the host computing device can provide the requested ASP services without requiring further assistance from another ASP in the external computer communications network. In that regard, if it is determined that the host computing device cannot provide the requested ASP services without requiring further assistance from another ASP, the host computing device can retrieve the requested ASP services from another ASP in the computer communications network. Once retrieved, the requested ASP services can be forwarded to the wireless device in the PAN over the short-range radio communications link. See Specification, paragraph [0010].

As already discussed in the previous response, Stewart '176 discloses a system and method for providing access and/or roaming features on a network system. The network system includes a plurality of wireless and/or wired access points coupled to a network. A portable computing device (PCD) of a user may store identification information which uniquely indicates a network provider of a plurality of possible network providers. The identification information may also, or alternatively, indicate an access or privilege level of the user. When the access point receives the identification information from a PCD of a user, the access point may determine the appropriate network provider for the portable computing device using the identification information. Network access may then be provided to the portable computing device through the determined network provider. Stewart '176, however, does not disclose a method and system using an Application Service Provider (ASP) service delivery system for delivering ASP services to a wireless device in a personal area network (PAN) via a short-range radio frequency

communications link as recited in independent Claims 1, 5, 9, and 13. As would be understood by a person skilled in the art, the wireless access points as disclosed in Stewart '176 do not concern PANs and short-range radio frequency communications links in the sense of the present invention. Rather, the wireless access points (APs or WAPs) are specially configured nodes on wireless local area networks (WLANs), which support Wi-Fi wireless communication standards, not IEEE 802.11a, IEEE 802.11b or BLUETOOTH standards for PAN. The Examiner has equated a LAN with a PAN. However, as already discussed above, a wireless LAN and a PAN use completely different standards and thus are totally different network systems and cannot be compared with one another.

As also already discussed in the previous response, Stewart '221 discloses a network communication service with an improved subscriber model using digital certificates. Similarly to Stewart '176, the access points as disclosed in Stewart '221 do not concern PANs and short-range radio frequency communications links in the sense of the present invention. Therefore, Stewart '221 also does not disclose a method and system using an Application Service Provider (ASP) service delivery system for delivering ASP services to a wireless device in a personal area network (PAN) via a short-range radio frequency communications link as recited in independent Claims 1, 5, 9, and 13.

It was asserted in the paragraph bridging pages 2 and 3 of the Office Action that in col. 2, lines 20-27, Stewart '176 discloses that when a PCD comes close to an access point, the PCD wirelessly access the network system. Since the PCD is in the network system which is LAN [i.e., PAN] (see col. 5, lines 25-35), the PCD is in the claimed PAN. In col. 5, lines 63-65, Stewart '176 discloses that a PCD makes a request to the

access point 120 to gain access to network services. In response the access points provides access services to the PCD (see col. 5, lines 36-50). Similarly, Stewart '221 teaches the claimed limitation (see abstract; fig. 1; col. 5, line 29 - col. 6, line 16).

As already discussed above, a person skilled in the art would understand that the wireless access points as disclosed in Stewart '176 and Stewart '221 do not concern PANs and short-range radio frequency communications links in the sense of the present invention. Rather, the wireless access points (APs or WAPs) are specially configured nodes on wireless local area networks (WLANs), which support Wi-Fi wireless communication standards, not IEEE 802.11a, IEEE 802.11b or BLUETOOTH standards for PAN. The Examiner has equated a LAN with a PAN. However, as already discussed in the previous response and also discussed above, a wireless LAN and a PAN use completely different standards and thus are totally different network systems and cannot be compared with one another.

Goldberg and Yoza do not make up for the deficiencies of Stewart '176 and Stewart '221 as discussed above.

Since none of the cited references discloses the concept of delivering ASP services to a wireless device in a personal area network (PAN) via a short-range radio frequency communications link according to the present invention, the cited references also do not disclose the specific method steps or system components for carrying out the concept, as recited in independent Claims 1, 5, 9, and 13.

Accordingly, the cited references, alone or in combination, fail to disclose or suggest each and every element of Claims 1, 5, 9, and 13. Applicants therefore respectfully submit that Claims 1, 5, 9, and 13 define over the prior art. Furthermore, as each of the remaining claims depends from Claim 1, 5, 9, or 13 while reciting additional



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features, Applicants further respectfully submit that the remaining claims likewise define over the prior art.

Applicants thus respectfully request that the claim rejections under 35 U.S.C. § 103 be withdrawn.

### CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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